

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 3:21CR49-2
(JUDGE GROH)**

DIANA TOEBBE,

Defendant.

ORDER GRANTING MOTION TO WITHDRAW WITHOUT PREJUDICE


Pending before this Court is defendant's Motion to Withdraw Motion for Sentence Reduction and Notice of Appearance [Doc. 178]. In the Motion, AFPD Nicholas J. Compton, avers that he was appointed to represent the defendant pursuant to the Court's Standing Order in Miscellaneous Case No. 1:23-MC-71. If furtherance of that appointment, AFPD Compton assessed Ms. Toebbe's case, determined that she was eligible for a retroactive sentence reduction under United States Sentencing Guidelines (U.S.S.G.) § 4C1.1, and filed a Notice of Appearance [Doc. 175] and Motion for Reduced Sentence [Doc. 176] on her behalf. Shortly after AFPD Compton filed the Notice of Appearance and Motion for Reduced Sentence, he was advised by Ms. Toebbe's trial/appellate counsel that Ms. Toebbe did not wish to file a Motion for Reduced Sentence at this time and wanted the Motion for Reduced Sentence withdrawn. Ms. Toebbe's trial/appellate counsel further advised that she may wish to file such a motion in the future, however, and thus requested that AFPD Compton file a Motion to Withdraw the Motion for Reduced Sentence without prejudice. AFPD Compton also requests that his Notice

of Appearance for Amendment 821 purposes be withdrawn as well.

Upon review and consideration, the Court finds good cause to grant the Motion. Accordingly, it is **ORDERED** that Defendant's Motion to Withdraw Motion for Sentence Reduction and Notice of Appearance [Doc. 178] be **GRANTED**. The Defendant's Motion for Reduced Sentence [Doc. 176] is **TERMINATED** without prejudice. The Notice of Appearance for Amendment 821 purposes [Doc. 175] is also **TERMINATED**.

The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record.

DATED: January 11, 2024



GINA M. GROH
UNITED STATES DISTRICT JUDGE